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Docket No. ETH1690CIP2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Howard Scalzo, et al.

Serial No. : 10/808,669

Art Unit: 3731

Filed : March 25, 2004

Examiner: N/A

For : PACKAGED ANTIMICROBIAL MEDICAL DEVICE AND METHOD
OF PREPARING SAME

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July 1, 2004
(Date of Deposit)

Blossom E. Loo
(Name of applicant, assignee, or Registered Representative)

Blossom E. Loo
(Signature)

July 1, 2004
(Date of signature)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this

information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

☐ Statement in Accordance with §1.97(e)
(attached); or

☐ Please charge Deposit Account No. 10-
0750/ / the fee of \$180.00 as set forth
in §1.17(p).

☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a) (2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not

enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).

☒ There are no listed references which are not in the English language.

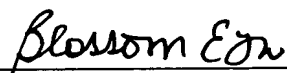
☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/ETH1690CIP2/BEL. This form is submitted in triplicate.

Respectfully submitted,



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DATED: *July 1, 2004*



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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 6

Application Number	10/808,669
Filing Date	March 25, 2004
First Named Inventor	Howard Scalzo, et al.
Group Art Unit	3731
Examiner Name	N/A
Attorney Docket Number	ETH1690CIP2

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code ² (if known)			
		3,629,477	A	Model, et al.	12/21/1971	
		3,842,003		Kurtz	02/15/1972	
		3,862,304		Kurtz	01/21/1975	
		3,991,766		Schmitt, et al.	11/16/1976	
		4,024,871	A	Stephenson	05/24/1977	
		4,476,590		Scales, et al.	10/16/1984	
		4,605,564		Kulla, et al.	08/12/1986	
		4,615,705		Scales, et al.	10/07/1986	
		4,728,323		Matson	03/01/1988	
		4,846,844		De Leon, et al.	07/11/1989	
		4,853,978		Stockum	08/08/1989	
		4,856,504		Yamamoto, et al.	08/15/1989	
		4,946,043		Roshdy et al.	08/07/1990	
		4,952,419		De Leon, et al.	08/28/1990	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵				
		AU	52834/86	B	Terumo Kabushiki Kaisha	02/05/1987		
		EP	0470443	A2	Becton, dickinson & Co.	02/12/1992		
		EP	0761243	A1	Union Carbide Chemical s & Plastics Co. Inc.	03/12/1997		
		EP	1159972	A2	Jentec, Inc.	12/05/2001		
		WO	98/09667		Kimberly-Clark Worldwide, Inc.	03/12/1998		
		WO	01/28601	A1	Giltech Ltd.	04/26/2001		

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 6

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		Number	Kind Code ² (if known)			
		5,019,096		Fox, Jr. et al.	05/28/1991	
		5,052,551		Cerwin, et al.	10/01/1991	
		5,068,328		Zlotnik	11/19/1991	
		5,091,442		Milner	02/25/1992	
		5,165,913		Hill, et al.	11/24/1992	
		5,180,605		Milner	01/19/1993	
		5,261,421		Milner	11/16/1993	
		5,295,979		DeLaurentis, et al.	03/22/1994	
		5,468,562		Farivar, et al.	11/21/1995	
		5,474,797		Sioshansi, et al.	12/12/1995	
		5,518,730		Fuisz	05/21/1996	
		5,534,288		Gruskin, et al.	07/09/1996	

FOREIGN PATENT DOCUMENTS

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		Office ³	Number ⁴	Kind Code ⁵				

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

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Sheet 3 of 6

Application Number	10/808,669
Filing Date	March 25, 2004
First Named Inventor	Howard Scalzo, et al.
Group Art Unit	3731
Examiner Name	N/A
Attorney Docket Number	ETH1690CIP2

U.S. PATENT DOCUMENTS

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		Number	Kind Code ² (if known)			
		5,607,681		Galley, et al.	03/04/1997	
		5,708,023		Modak, et al.	01/13/1998	
		5,722,992		Goldmann	03/03/1998	
		5,756,145		Darouiche	05/26/1998	
		5,772,640		Modak, et al.	06/30/1998	
		5,853,745		Darouiche	12/29/1998	
		5,868,244		Ivanov et al.	02/09/1999	
		5,902,283		Darouiche	05/11/1999	
		5,906,273		Pohle, et al.	05/25/1999	
		5,945,153		Deamaley	08/31/1999	
		5,965,610		Modak, et al.	10/12/1999	
		5,968,207		Li	10/19/1999	

FOREIGN PATENT DOCUMENTS

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		Office ³	Number ⁴	Kind Code ⁵				

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Sheet 4 of 6

Application Number	10/808,669
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First Named Inventor	Howard Scalzo, et al.
Group Art Unit	3731
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U.S. PATENT DOCUMENTS

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		Number	Kind Code ² (if known)			
		6,037,386		Modak, et al.	03/14/2000	
		6,047,815		Cerwin, et al.	04/11/2000	
		6,083,208		Modak, et al.	07/04/2000	
		6,087,415		Vamderlaan, et al.	07/11/2000	
		6,093,414		Capelli	07/25/2000	
		6,106,505		Modak, et al.	08/22/2000	
		6,165,920		Rubin, et al.	12/26/2000	
		6,224,579	B1	Modak, et al.	05/01/2001	
		6,238,686	B1	Burrell, et al.	05/29/2001	
		6,315,788	B1	Roby	11/13/2001	
		6,494,898	B1	Roby, et al.	12/17/2002	
		2001/0010016	A1	Modak, et al.	07/26/2001	

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		Office ³	Number ⁴	Kind Code ⁵				

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Sheet 5 of 6

Application Number	10/808,669
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First Named Inventor	Howard Scalzo, et al.
Group Art Unit	3731
Examiner Name	N/A
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U.S. PATENT DOCUMENTS

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		Number	Kind Code ² (if known)			
		2001/0016589	A1	Modak, et al.	08/23/2001	
		2001/0024661	A1	Modak, et al.	09/27/2001	
		2002/0055759	A1	Shibuya	05/09/2002	
		2003/0108761	A1	Eddlemon	06/12/2003	

FOREIGN PATENT DOCUMENTS

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Sheet 6 of 6

Application Number	10/808,669
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First Named Inventor	Howard Scalzo, et al.
Group Art Unit	3731
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Attorney Docket Number	ETH1690CIP2

[illegible]

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